(36)

**HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR**

**SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ**

**Writ Petition No. 3015 of 1991**

**PETITIONER** : Chhattisgarh Swatantar Majdoor Union Baraduar District Bilaspur M.P. Through, its Secretary, Shri Beniram Sahu, Secretary, Chhattisgarh Swatantra Majdoor Union, Baraduar P.O. Baraduar, Distt. Bilaspur M.P.

**VERSUS**

**RESPONDENTS**

1. South Eastern Coal fields Ltd. Through, Managing Director, SECL Bilaspur, Distt. Bilaspur M.P.
2. The Deputy General Manager, SECL, Rajgamar Colliery P.O. Rajgamar – Colliery Distt. Bilaspur M.P.

Petition under Articles 226 /227 of Constitution of India

Present: Shri A.N. Bhakta, counsel for the petitioner.
Shri P.S. Koshy and Shri Vinod Deshmukh, counsel for the respondents.

**ORAL ORDER**
**(Passed on 28th June, 2007)**

Learned counsel for the petitioner submits that the eight days salary of the members of the Union has been wrongly deducted under the Payment of Wages Act, 1936 as the members were getting salary more than Rs.1600/- per month at the relevant time. The relevant provision upon which relies upon i.e. Section 1 sub-Section 6 of The Payment of Wages Act, 1936 is being quoted below:-

> "(6) Nothing in this Act shall apply to wages payable in respect of a wage period which over such wage-period, average [2][one thousand six hundred rupees]] a month or more."

From the perusal of the said provision, it appears that there is no force in the argument of the petitioner. Learned counsel for the respondents has no

answer to this provision of law which has been relied upon by the counsel for the petitioner. Accordingly the order of deducting salary is liable to be quashed and the same is hereby quashed. However, it would be open to for the respondents to act in accordance with law.

Sd/-
Acting Chief Justice

Kamde